

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

SWIVELPOLE GROUP PTY LTD., *et al.*, §
§
Plaintiffs, §
VS. § CIVIL ACTION NO. 4:12-CV-2527
§
SWIVELPOLE USA, LTD., *et al.*, §
§
Defendants. §

MEMORANDUM OPINION AND ORDER

Pending before the Court is the Application for Fees (Doc. 25) filed by Plaintiffs Swivelpole Group Pty Ltd. and Swivelpole Patent Pty Ltd. (collectively, “Plaintiffs”). Defendants Swivelpole USA, Ltd.; Swivelpole Holdings, LLC; Swivelpole Canada Holdings, Inc.; ILS Products, LLC; ILS Products Holdings, LLC; ILS Manufacturing, LLC; and Andrew Grant (collectively, “Defendants”) have not filed a response, which, pursuant to Local Rule 7.4, is taken as a representation of no opposition.

In remanding this case, the Court found no objectively reasonable basis for Defendants’ removal and, in accordance with 28 U.S.C. § 1447(c), granted Plaintiffs’ request for attorneys’ fees and costs. Op. and Order 4-5, Oct. 9, 2012, Doc. 24. Pursuant to that Order, Plaintiffs submitted their request for \$13,746.00 in fees, including affidavits from a partner (Doc. 25-1) and associate (Doc. 25-3), a summary of contemporaneous time records (Doc. 25-2), and proof of average rates for attorneys and paralegals in Houston (Doc. 25-4). The Court finds that this documentation is sufficient to show both that the stated hours are compensable, *see Avitts v. Amoco Prod. Co.*, 111 F.3d 30, 32 (5th Cir. 1997) (concluding that “expenses incurred because of the improper removal may be awarded” but those “that would have been incurred had the

action remained in state court" may not), and that the hours and rates are reasonable, *see La. Power & Light Co. v. Kellstrom*, 50 F.3d 319, 324 (5th Cir. 1995) (defining the lodestar as "the reasonable hours [times] the reasonable hourly rates"). Finally, the Court sees no reason to deviate from this amount, *see id.* at 329 n.19 (listing twelve factors considered in upward or downward adjustment), nor do the parties raise any. Accordingly, it is hereby

ORDERED that Plaintiffs' Application for Fees (Doc. 25) is **GRANTED** and Plaintiffs are awarded **\$13,746.00** in attorneys' fees.

SIGNED at Houston, Texas, this 2nd day of August, 2013.

Melinda Harmon
MELINDA HARMON
UNITED STATES DISTRICT JUDGE